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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Richard E. Schafer)

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Human Genome Sciences, Inc.,  
Junior Party  
(Application 09/042,583-IFW  
Inventors: Jian Ni, Reiner L. Gentz,  
Guo-Liang Yu and Craig A. Rosen),

v.

Immunex Corp.,  
Senior Party  
(Patent 6,569,642  
Inventors: Charles Rauch and Henning Walczak).

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Patent Interference No. 105,380 (RES)

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JUDGMENT-PRIORITY

Before SCHAFER, GARDNER LANE and TIERNEY, *Administrative  
Patent Judges.*

SCHAFER, *Administrative Patent Judge.*

A decision denying Junior Party Human Genome Sciences' (HGS) motion for priority has been entered. Paper 158. Accordingly it is appropriate to enter judgment against HGS finally refusing its involved claims.

## ORDER

It is

ORDERED that Claims 287, 289-299, 351-361, 389-403, 431, 432, 434-442, 446, 448-458, 507-517, 580-596, 598-607, and 623-632 of HGS Application 09/042,583 are finally refused (35 U.S.C. § 135(a));

FURTHER ORDERED that a copy of this Judgment and the Decision on Priority (Paper 158) be made of record in the files of Application 09/042,583 and Patent 6,569,642; and

FURTHER ORDERED that if there is any settlement agreement or related documents which have not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/ Richard E. Schafer/ )  
 RICHARD E. SCHAFFER )  
 Administrative Patent Judge )

/ Sally G. Lane/ ) BOARD OF PATENT  
SALLY G. LANE ) APPEALS AND  
Administrative Patent Judge ) INTERFERENCES

/Michael P. Tierney/ )  
MICHAEL P. TIERNEY )  
Administrative Patent Judge )

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